A FARTHER VINDICATION OF THE PRESENT GOVERNMENT OF THE CHURCH of SCOTLAND.

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see the figured letter p. 1.
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BRITISH MUSEUM

A FARTHER VINDICATION OF THE PRESENT GOVERNMENT OF THE CHURCH OF SCOTLAND,

Eſtabliſhed in a Presbyterian Parity, from ſome miſtakes about it's Nature, and Native Conſequences.

OCCASIONED

By the Apologie publiſhed for Presbyterie, in the year 1689. And by what hath ſince enſued in this Church and Kingdom

THere appeared in publick in the Summer, 1689 a Print intituled an Apology for *P*resbytery, for removing prejudices; wherein the true grounds of Presbyterian Government, from our Lords Inſtitution of a Goſpel Miniſtery, and the firſt and pure practices of his Apoſtles, in gathering Goſpel Churches, and the Nature and Union of the Churches were clearly and ſoberly held forth as far as was judged neceſſary for the above mentioned Deſign. And on theſe grounds the Author did proceed to remove ſuch prejudices as he obſerved to be then ſtirring in oppoſition to the re-eſtabliſhment of *P*resbytery within this Church, *viz.* That it was *Imperium in Imperio*, refuſing due Subjection to the Civil *M*agiſtrate. That Presbyterian *M*iniſters do

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often transgreſs in medling beyond their Line with State Affairs, And that the ſeverity of the Diſcipline of Presbytery is Intolerable, tending for the moſt part to deſtruction rather than Edification. And certainly, if ſome mens minds on both ſides had not been too ſtrongly prepoſſeſſed, the ſolid allaying and qualifying anſwers thereto given in that paper, (whereof no doubt there are many copies yet extant,) might have brought matters to a reaſonable and happy temper; but good and great works are never ſuddenly accomplished, and many things have fallen out ſince that piece was published, that plainly diſcover, that tho' this Apologie hath gone a great length to take off the prejudices againſt the Government of the Church in *P*arity without a Prelacy; yet a great deal remains, not only from ſome practices of that Government in former times when they were in power, which is much heightned by the recent carriages of ſome *P*resbyterian Miniſters, but even from the unclearneſs and uncertainty of the conſtitution and frame of Presbyterian Goverament; The *M*iniſters never having had ſo long tranquility in that Government, that they could ſufficiently diſplay the extent of it, for though there were Books of Diſcipline prepared, yet they came never to be fully ſettled and brought in exerciſe. The Church hath cenſured ſome vices and *S*candals, but hath not determined how far that cenſure doth reach, or whether every crime or transgreſſion may be judicially cognoſced and determined by the Church Aſſemblies, and where the Stand ſhould be, and upon what convincing reaſon of difference, the extent and manner of Appeales have not been fully defined, nor the power of Delegates acting by Commiſſion from the Aſſemblies of the Church, much leſs hath the limits been cleared between the Civil and *E*cclesiaſtick Authority, that neither of them might incroach upon the other.

It is very fit that theſe and many other things of the like Nature were cleared, and rational deductions made from that Parity which hath been acknowledged, and owned, by the Aſſemblies of this Church ſince the *R*eformation thereof from Popery, eſpecially now when the far greateſt part of the Miniſters who had any conſiderable time to Act in *P*resbyterian Government are dead; Many of which were eminent for *P*iety *P*rudence and Learning, and when many are now brought in who have had no experience in the Government or Diſcipline of the Church; and though they be ſufficiently convinced againſt a

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Prelacy, yet have had neither time nor opportunity to attaine a Positive and distinct knowledge of the Government of the Church in parity; whereby the People may be affraid of an Arbritrary Government in the Church, which is so much more dangerous than in the state, as the being imposed upon in the just liberty of conscience, is more grievous, them to be imposed upon, in the liberty of mens Persons, or Estates.

It is fit then, for preventing or curing of prejudices, to observe that difference which is acknowledged in all Governments Sacred or Civil between these Actings of Governours, which are consequent from, and suitable to the Government they act by, and these which debord there from, and are incongruous thereunto; and between these things that must be done in extraordinary cases in an unsetl'd Church, and these things which may be done, when the same is established, and in order.

That these differences may be known, it is necessar to consider the divine design in constituting the Civil, and Ecclesiastical Government; The Civil Government is institute for the peace and prosperity of Civil Societies, wherein the common interest of mankind (as to their outward State) is the first and Ruling Principle, and which reacheth only the outward man; The Ecclesiastick Government hath for its design the inward Condition of man, so farr as can be reached by man, that they may become devoted unto God, and that they may be Holy, and Eternally Happy. The same things are endeavoured by both Governments, but unto diverse ends, and by diverse means: the Civil Powers ought to incourage men to doe well, and to punish evil doers, and to give every man his right in his outward enjoyments, that the Civil Society may live in peace and prosperity. And therefore Civil Authority doth alone carry the Sword, and all the exercise of active lawfull force, and hath the power of making Laws, not only Declaratory by the Light and Law of rational nature, written in Mans heart; but Statutory, in ordering things convenient, whereby they have great Influence upon the liberty and Estates of men.

The Ecclesiastical power is designed to gain men to God, and to make them Holy, that they may become Happy; It hath no power of the Sword, or of any Bodily force, And the chief part of Churchmens Commission is clearly held forth by the Apostle Paul in these words, to wit, *That God was in Christ Reconciling the World unto Him-*

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ſelf, not imputing their Treſpaſſes unto them, and hath committed unto us (the Miniſters of the Goſpel) the word of Reconciliation. Now then We are Ambaſſadors for Chriſt, as though God did beſeech you by us, we Pray you in Chriſts ſtead be ye Reconciled unto God. They are Ambaſſadors or Meſſengers for Chriſt, they are not Plenipotentiaries who may order what they pleaſe, and though they tranſgreſs their Inſtructions, the hazard is only their own, but they are ſecure with whom they act. But the Miniſters have their Inſtructions patent to all in the word of God, by which they doe profeſs themſelves Servants of the People, for Chriſts ſake, and as Miniſters they have the only application of the Ordinances according to the Divine Inſtitution, in Preaching according to the word, and Adminiſtrating the Sacraments, in order to which the commiſſion given by Chriſt to his Apoſtles is contained in the end of the Goſpel of the Evangeliſt *Matthew*, in theſe terms, *Go ye therefore and teach (or make Diſciples of) all Nations, Baptizing them in the Name of the Father, of the Son, and of the Holy Ghoſt, teaching them to obey all things whatſoever I have Commanded you, And lo I am with you even unto the end of the World.* There were then no more Miniſters of the Goſpel but the Eleven Apoſtles, and therefore this Commiſſion could not be to them alone, nor in their Apoſtolick Capacity, for then no other but Apoſtles could Teach and Baptize, but the Apoſtolick Character and their difference from other Miniſters was, that they were immediatly inſtitute by Chriſt, and to be his ſpecial Eye-Witneſſes as is evident from the firſt Chapter of the *Acts*, and the Apoſtle *Paul* his Vindicating of his Apoſtleship, that he had ſeen the Lord, and was immediatly called and inſtitute an Apoſtle, and to be his witneſs in an extraordinary way, as was *Mathias, in election of whom from among theſe that had converſed with the Lord; the Apoſtles prayed to him, who knew the hearts of all men, to make the choice of one to be a witneſs of his Reſurrection by the Lot.*

Theſe Apoſtles acted as a Colledge or Society of Miniſters, which dieth not, but do Co-optat new Members as they ſee convenient, whom they may exauctorate when they find they have miſtaken, or do not anſwer the qualifications neceſſar.

The Apoſtles did afterward by divine warrand inſtitute other Elders beſide the Preaching Miniſters, and Deacons, for the ſervice of the

the Church, but neither of those had equal Power with the Ministers, the Commissions to the Ministers of the Gospel being by the same breath given unto all, every one had the same Powers, when acting severally, and the same Powers, when acting joyntly in Church Assemblies, who being in Society by the very nature of their Commission, the minor part behooved to yeild unto the major part, as an undisolvable Society, which none of them might abandon, during life, albeit in other Societies the minor part may dissent, and so dissolve the Society.

This parity of Suffrage is consistent enough with imparity of parts or qualifications, whereby some may be more able to perswade, but not allowed to impose, so that the sufferages are equal; But even these collegiat Actings are Ministerial; and they can impose nothing on their Brethren to be believed, or done as being Religious, but that which is requisit for their Holiness and happiness, and wherein they warrantably may say, *Thus saith the Lord*, which doth not exclude matters of meer order, wherein they may also determine according to prudence, *without any pretence of a Religious impression*, and by that Authority which is implied in the nature of a Society.

If all the Mininsters of the Gospel were Assembled together, the major part would over-rule the minor, not so, as to oblidge to aprove what they determined, but in reverence and silence to submitt, so long as the necessaries for Holiness and happiness were retained, as to which expres assent must be required, and had.

It was not, nor could not be the Divine design that there should be Assemblies of the whole Ministers of the Church, but that they should Communicate their Judgments, and orders, so far as conveniently they could: whence arise National Churches, when the Soveraign Authority of a Nation approves or permits a Church within their bounds.

It is not in the Arbitriment of the Ministers to joyn with other Ministers where they have such opportunity, or not to joyn at their pleasure, but they are oblidged, not only severaly but joyntly to exerce the Ministerial function, nor can such Societies exclude those who are qualified Ministers, and would joyn.

That the minor part of the Minsters should submitt to the major part of them, is not only consequent from the nature of an indisolvable Society, but has expres and particular Divine Authority. *The*

Spirits of the Prophets are subject to the Prophets, for God is the God of Order and not of Confusion, where, by Prophets are not to be understood those who have the extraordinary gift of Propheſie, for in ſuch acts of Propheſying no Prophet is ſubject to the *Spirit* of any other, as the young Prophet who yeelding to the old *Prophet* in Iſrael, pretending a contrary inſpiration, did find his Errour to the extraordinary loſs of his Life by a Lyon, but *Propheſying* doth frequently, and in this place ſignify teaching, and the *Order* recommended implies the overrule of the plurality, without which there can be no order.

This national Church has generally held this parity amongſt the Miniſters of the Goſpel, that every one of them had the ſame Authority, and did lie under the ſame indiſpenſable duty in all the Miniſterial Offices, a part, or in Aſſemblies, and that the Office of a Prolocutor, Moderator or Preſident, is a matter of meer Order, common to every Society, ſo that though no Prolocutor were Conſtitute, it would not invalidat any act by the plurality, yet it is far more convenient to prevent Confuſion and Altecation, that all direct their ſpeech to One perſon, who is ſo far from having any advantage in his ſuffrage, that ordinarly he hath the laſt, yet there appeareth that difference in preſiding in this and other Societies, that the Moderator should not forbear his vote, though thereby an equality of ſuffrages ariſe, whereby nothing should be done in that caſe, and on the other hand, he should have no more a Negative vote than any other Member, yea there is no inconvenience, that in Church Aſſemblies a Concluſion should not be alwayes taken, where the difference of the Affirmative or Negative Members is but one, or a few Votes, unleſs it were indiſpenſably neceſſary to have a preſent determination.

The Judgment of this Church ſince the Reformation hath Generally been for this Parity in the *Miniſters* of the Goſpel, and they have alwayes allowed an appeal from the Eldership of a Parish, unto a Presbytery, and in many things from a Presbyterie to a Synod, and in ſome things from a Synod to a General Aſſembly or National Synod, conſiſting of delegats from each Presbyterie.

It doth well conſiſt with the Eccleſiaſtick Government, that matters of Faith being controverted in any Church Aſſembly, should by appeal be caried untill the plurality of the Miniſtrie of the *National* Church

Church be known, yea in matters of Faith neceſſary for Salvation, ſpecial regard ſhould be had to all the national Churches.

God in his ſignal providence, hath preſerved the Doctrines neceſſary for Salvation, not only in the pure, but even in the corrupted Chriſtian Churches, which hath been held in every Church, and every age, ſince Chriſt was in the Flesh, and which is the Doctrine that the reformed Churches own, and which no Church doth deny, in reality, though many of their Leaders by miſtating Queſtions, and falſly propoſing the reformed Doctrine, ſeem to differ therefrom, but all the controverſie with other Churches ſtands in this, that they introduce other Doctrines as neceſſary to be believed, which are not neceſſary, and oft times not true, and frequently deſtructive and inconſiſtent with the neceſſary Doctrines, and wherein all theſe corrupt or erroneous Churches differ amongſt themſelves: Of this the moſt eminent inſtance is in the Euchariſt.

There is not, nor hath not been, any National Church which hath not acknowledged the *Lords Supper* to be a Divine Inſtitution, and the higheſt outward priviledge of Chriſtians, and that thereby the ſufferings and ſatisfaction of Chriſt are repreſented, and the remembrance thereof ſolemnly celebrated by the Communicants, not only by ſigns, but by Symbols! herein all agree; But the Popiſh Church doth require that all of their Communion do expreſly believe, and profeſs that the Subſtance of the Bread and Wine is Tranſubſtantiat into the Body and Blood of Chriſt, there remaining nothing of the Bread and Wine, but the outward Species, or ſenſible Qualities thereof. In which the reſpect the Sacrament is a Symbol of the Body of Chriſt. Neither the *Greek Church*, nor any other Church, but the *Romiſh* holds this Opinion: The *Greek Church* holdeth, that the Bread and Wine uſed in the Sacrament, are not Tranſubſtantiat into the Body of Chriſt, but that they are aſſumed, and Hypoſtatically united unto Chriſt, in the ſame way that his Food, while he was on Earth, became perſonally united to the Deity, as a part of his Body: The *Lutheran Churches* hold not *Tranſubſtantiation*, whereby the Subſtance of the Bread and Wine ceaſeth, but *Conſubſtantiation* whereby the Body of Chriſt becomes Corporally preſent with the Bread and Wine.

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The moſt Learned Divines in the ſeveral Churches do agree, that the Catholick Chriſtian Doctrine is, that which at all times and every where hath been the common opinion of every Church, ſince Chriſt came; which they explain not to be underſtood that it was ſo profeſſed, without any Intermiſſion, but that the generality of Chriſtians did alwayes ſo believe: And there was no Century, until Popery prevailed and overſpread all, in which the General Synods of the Church did not ſo profeſs. For the Deity and Equality of Chriſt was generally believed, even when Councils of the Church, which pretended to be Univerſal, did aſſert *Arianiſm*; yet it continued not for a Century: And when *Athanaſius* by his eminent Ability, Faithfulneſs, and Diligence, did excite the Body of the Chriſtian Church. *Arianiſm* was exploded, as never having been a Catholick Doctrine, the contrary being ſtill believed by the Generality of Chriſtians, upon which it hath been acknowledged, that to be a *Catholick Doctrine*, it was neceſſar that not only the Miniſtry, but the Body of the Chriſtian Church, did acquieſce therein, and own the ſame.

Therefore no Aſſembly of a National Church ſhould determine matters of Faith, neceſſary for Life and Godlineſs, but ſuch as have been univerſally received in the Chriſtian Church, which may eaſily appear by the Confeſſions of the ſeveral Churches, which are Printed and published in the Chriſtian World, whereby it will appear in what all the Churches agree.

Some from real or pretended Zeal for the true Religion, have miſtaken and miſ-applied the great Epithets attribute in Scripture to the Truth, as if thereby every Truth were underſtood; and that every Errour were a ſin: And therefore have thought it neceſſary that every Difference amongſt Miniſters, or People ſhould be determined in all National Churches by the Aſſemblies thereof, with Subordination, by Appeal from the Leſſer and Subordinate Aſſemblies, to the Greater and Superiour, But finally, by the Supream Aſſembly of that Church, without *reſort*. Nothing can more eaſily diſcover this miſtake, than the Critical Works ſo frequently now emitted and common in the World: Whereby it is evident, that there is ſcarce a Text of Scripture, which is not diverſly underſtood, and Interpret, by the moſt Famous Divines in every Church. All Chriſtians do, and are obliged to believe, that the Books which have univerſally been received by

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the Christian Church as Canonical, are the word of God by Divine Inspiration, and every part thereof is true in the real meaning thereof, which can only be understood by the Analogy of Faith, comparing Scripture with Scripture, which every Christian is not obliged to know and retain in his Remembrance, nor ought the Church to determine the Analogy of Scripture in every Sentence, but these which are necessary for Holiness and Happiness, otherwayes the Supreme Assemblies of every Church should have necessary work for continual sitting, and the Inferiour Assemblies should be obliged to determine the Truth of every different Expression of their Ministers, or People, in matters of Religion, or even of the meaning of all Sentences of Scripture.

The generality of Christians are now convinced of the excess of Dogmatizing of the Church of *Rome*, which hath been so impudent as to claim Infallibility in all the Doctrinal Determinations of the Popes and Councils of that Church; and that every such Determination in matters of Faith, being held forth and understood, was as necessary to be believed as any other Article of Faith; and that the not believing thereof so held forth, was alike damnable, as to all Articles, and consequently that every Article is as necessary to be believed as the believing the Deity, the Trinity, the Incarnation, or the Satisfaction of Christ, though it be evident to every unbyassed Apprehension, that there are Doctrines necessary, *Necessitate medii*, for Salvation; and many others, which are necessary, *Necessitate Præcepti*, the ignorance whereof is not Damning.

The *Church of Rome* pretends it self to be the only *Catholick Church*, and that all the Doctrines determinate by its Councils, are *Catholick Doctrines*: And yet it is evident to every unpreposessed mind, that no Church which pretendeth to be Christian, hath so many peculiar Doctrines not generally received and believed by Christians, but contrary wayes rejected by all other Societies of Christians.

The very nature of the Christian Society of Church Officers, obligeth them to suppress Contention, Passion, and Insolence, between Ministers and others, in their Sermons and Writings as to matters not necessary to be believed, sometimes to enjoyn Silence in such Points, or allow a Sober Liberty, but the first Consideration that should be had in every Assemby of the Church, is whether

the Opinion in Consultation be necessary to be determined for Holiness and Happiness.

This Church hath generally since its Reformation, owned a Parity in all Church Officers, in every thing committed unto them, that all of them might and ought to do the same things severally, or to have equal Suffrages joyntly in their Assemblies, yet still with a Subordination of Congregational Elderships unto their Presbyteries, and of these to their Provincial Synods, and of these to their National Synods, or General Assemblies. So that the Superiour Assembly hath Authority, not only to determine upon Appeals, but to review, and alter the Sentences of the Inferiour Assembly, or to determine in the matter without an Appeal.

This Subordination is not founded upon the Constitution of the Church, ordering one Assembly to have a Superiour Authority above another, but is founded upon the Association of Ministers instituted by Christ, and upon the Warrant, *That the Spirits of the Prophets are subject to the Prophets.* And that in an undissolvable Society it must so be. But the Church Constitution doth only determine the bounds of the Presbyteries and Synod, as they may most conveniently exercise the Ministerial Function in these Assemblies, which is but a matter of Order, to which all concerned are obliged to submit; and so a Synod is above a Presbytery, because the Presbytery is a part of the same Synod: And the National Synod is above the Provincial Synod, because it is not only a greater Assembly than any Synod, but because it consists of Delegates from the whole Presbyteries, yet so as the determinations thereof are pendent, until the next National Synod. For if any thing be determined in the National Synod, which is opposite to the Judgment of the Plurality of the Presbyteries: They can Delegat such of their number as are of a contrary judgment, whereby if the plurality of Presbyteries be so inclined, the next National Synod will, and ought, to alter what the former did, which if they do not, the determination of the National Synod (though of Delegats) imports the acquiescence and approbation of the Plurality of the Presbyteries, and of the whole Church. In this the National Synod of Delegates, differs from the Provincial Synod, in which the whole *Presbyters* are Members.

This Conſtitution of the Church, is the moſt free Eccleſiaſtick Authority, reſtricted or clogged with the conſent of no other, in things which are truly in the Commiſſion given by Chriſt to the Miniſters of the Goſpel: There is not only no poſitive Suffrage or Conſent, Superiour or Oppoſite, but no Negative Vote or Conſent to hinder this freedom.

This juſt and due freedom of the Church of Chriſt doth not give ground to incroach upon civil Authority, yet the ſecret allurement of Power, hath too much prevailed with Church-men, to extend their limits to things not in their Commiſſion, but which belong to the Civil Authority: As on the other hand, the Civil Authority is apt enough to incroach upon the Liberty of the Church. The former pretending all things to be in their Juriſdiction, which they find to be ſinful, or ſcandalous, or which they find not only to be neceſſary, but to be convenient for Security of the Church in its Rights. And the latter excluding the Church from medling in any thing wherein they have Juriſdicton, and hindring Determinations of the Church in matters purely Eccleſiaſtical, when thereby they apprehend the publick Peace to be like to be diſquieted or diſturbed.

It is generally known in the World what Abuſes the Church of *Rome* hath committed in the extenſion of the Eccleſiaſtick Authority: They have not only claimed, but exerced a Judgement upon all the Civil Powers of their Communion, in matters unqueſtionably Civil, and which might, and ought, to be determined by Civil Authority; and yet that Church found themſelves competent to Judge the ſame matters *in ordine ad Spiritualia*, not only to determine, whether they be Sinful, Scandalous, or Lawful, but to declare the civil determinations, if they judge them Sinful and Scandalous, to be void, and not obligator: And thereupon Excommunicating thoſe in Civil Authority, and many times whole Nations, if they did not ſubmit to theſe Sentences and Cenſures, yea Depoſing Kings, and Gifting their Crowns to others, Abſolving their Subjects from their Oaths and Duty of Allegiance, and requiring them, under the pain of Excommunication, to oppoſe and reſiſt by force of Arms their Soveraigns, and all others, and ſtating the Controverſy as between the Spiritual Kingdom of Chriſt Jeſus, and the Kingdom of ſuch a Prince, or the Power of ſuch a State.

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All *Protestants* have disclaimed and abominate these pretences, and have with their *Lord and Master* given to *Cæsar* that which is *Cæsars*, and to *God* that which is *Gods*: The meaning whereof, cannot be that, *That which is* Cæsars, *is not also* Gods; but that, *That which is said to be Gods, is more particularly Gods*, being reserved from the Civil Powers: As all Consecrated things are in another Consideration Gods, than all the rest which are yet at his dispose.

It is easie to build gross Mistakes upon the Power derived from Christ: There is nothing more plain and more certain, than that which Christ asserts of his Power, immediately preceeding his Commission to his Apostles, when he sayes, *All Power in Heaven and in Earth is given unto Me, Therefore, go ye and make Disciples of all Nations*, &c. Which is also frequently renewed in the Gospel, that he hath this Power and Authority, not only as he is *God*, but as the *God-head* and *Man-hood* are united in his Person, and that as such he hath the Soveraign Authority over all, both Angels and Men, yet it is evident that by his Commission to his Apostles, he did not Communicate all that Power to them, or their Successors, nor are they his Lieutenants, or Deputies in matters Civil, relating to the Peace, and Rights, or outward Things of Civil Societies, or to the exercise of the Sword, by punishing of Crimes; for in these things the Civil Powers are the Lieutenants of God.

It were a good Office of the highest Import, to shew any Meaths or Marks for finding out the Marches between the Civil and Ecclesiastick Authority, which might help to prevent the Incroachments upon either, which is indeed a difficil task, wherein the Redders Blowes from both Parties may rationally be expected, and yet the Love of God and of the common Happiness of Mankind, may incourage the attempt, and may at least allay the Wrath of either.

First then, a great part of the Office of the Ministers of the Gospel is proper to the Church, and is not claimed nor exerced by any Civil Authority, such as the publick Preaching of the Word, the Administration of the Sacraments, and the judging who hath the Priviledges of partaking of both, according to the Rules of the Gospel; the institution and destitution of the Office-bearers in the Church, in the Functions attributed to them by the Scripture, the Power of Excommunication, being an indefinite exclusion from the

partaking of the Eucharist, or of their Children from partaking of Baptism, until they can profess Religion and claim the same for themselves: And from the partaking of the publick Prayers or Praises Celebrate in the Church, which doth not hinder them to hear Sermons without Disorder, which Heathens are not excluded from: Nor doth Excommunication extend farther, than against Voluntar Familiarity of the Members of the Church with Excommunicate Persons: But it excludes not the Converse and other Duties of Natural Relations, nor the Exercise of Civil Authority, nor the Converse, Reverence and Honour of Subjects on that account, nor yet the obtaining from Excommunicate Persons that which they are due, and the necessary Converse with them on that account: Yea Excommunication being an Exercise of the Keyes of Discipline, it is only to be made use of where there is probability it may profit, and may not do more prejudice than Benefit; for there is no Latitude in the Matters of Doctrine necessary for Salvation, but there is great Latitude in the matter of Discipline, which is only to be exerced where there is probability of gaining the Person on whom it is exerced, who is not to be treated as an Enemy, but still with hope of recovery.

There is also a chief part in the Ministerial Office, (but very much neglected) *viz.* That the Minister ought to take all Tryal to know the inward State of the Souls of his Flock, whether they be yet reconciled to God or not, and what steps they have made towards that Reconciliation, whether they have sufficiency of knowledge for obtaining the same, and to instruct them where they are deficient; whether they do ordinarly make use of the means of Grace, by secret Prayer to God; and frequenting of publick Ordinances, and by Imploying the Sabbath to its proper ends, and what Evidence they can give of being in the Favour of God, that may give them Interest to partake of that great Solemnity of Christians sitting at the Table of Christ as his Guests, having the Wedding Garment, and partaking of the Symbols of his broken Body and shed Blood, and Celebrating the Memorial thereof, which is a work (if Conscientiously gone about) will take up Ministers so as they would be looking more to their own peculiar work, than the work of others, and least of all to the Administration of Civil Government: And when any Scandal ariles upon any

of the Flock, it is the Ministers Duty not to highten the Scandal, but to speak kindly and secretly with the party, that the arising of that Scandal is from the Divine Providence, requiring him or her to consider their wayes, and if they be guilty of that sin, to make humble application to God for Pardon; and to shew them that it is like their Inclinations may tend to such a Sin, and that God by his Providence hath warned them to beware of it, and not urge them to Auricular Confession, but though they were most free both of Inclination and Action of that Sin, yet the warning requires a more strict Life, that may take off the aversion and suspicion of the rest of the Flock; and if this Scandal continue or grow, that it come to be considered with the Eldership, It is not warrantable to urge the Party to give his Oath, or to hold him guilty, if he refuse it: Which were against the common Interest of Mankind, which neither Civil nor Ecclesiastick Authority should encroach on; for it is the general Priviledge of all Men and Christians, not to disclose their own Crimes, or to declare their own Infamy, unless otherwayes proven, as *Josuah* did not require of *Achan* to Confess the Stealing of the *Babylonish Garment*, until his Crime by a Divine Lot was proven; yet if the party under Scandal do voluntarily offer an Oath of *P*urgation, or crave compurgatory Witnesses of his Neighbourhood for taking off the Scandal, it is not to be refused: But while the Scandal remains, the Minister is not to give the person under Scandal the Sacrament, till it be removed, nor to any other, but to such, who, in the Judgment of Charity, are then in the Favour and Countenance of God. Wherein if the Party concerned Complain, the Minister ought to take the Advice of, and hear the Party, before some of the most pious and prudent Ministers, wherein the *P*arty hath most Confidence, that they may Convince either *P*arty concerning the Admission, or Forbearance, before any Authotative procedure

It is not to be imagined that the Ministerial Duty is performed by publick *P*reaching an hour or two in a Week, and calling together a Multitude for Catechising, in order to admit them to the Sacrament; but the Assistance of them in their Spiritual Condition, as they may attain Reconciliation with God, or encrease Faith and Holiness, is the chief Work.

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In these things that are proper to the Office-bearers in the Church, the Civil Magistrate ought not Authoritatively to Interpose, though he, as well as other private Christians, may give their Opinion and Advice. And on the other part, There is no ground to claim Ecclesiastick Authority in things proper to the Civil Authority, as the making of Peace, or War, the Enacting of Laws Declaratory or Statutory, the putting the same to Execution: Wherein the Ministers severally, or in their Assemblies, can no wayes Authoritatively interpose, nor give any publick Advice, which may weaken the Civil Authority, or stir up the People, to Dishonour or Disobey them, directly or indirectly, by Circumstantiat Sermons, or Acts that insinuate to the People the same thing; as if directly it were declared, that such a Law, or such a Sentence is unjust, sinful, or Scandalous: And as the Civil Powers should not Authoritatively interpose in matters purely Ecclesiastick, so neither should the Church interpose in matters purely Civil.

But the main difficulty remains, as to matters that are competent to be judged by both the Civil and Ecclesiastick Authority, wherein the Civil Power Cognosces in order to Absolution or Condemnation, whether it be in Civil Rights, or in Crimes and Misdemeannours: And the Ecclesiastick Authority Judges the same things in order to publick Reproof, or to the Exclusion from the Sacrament, or to Excommunication.

In Civil matters, where there is a Cumulative Jurisdiction of several Judges; The first mover continuing to do Diligence, is preferable, and excludes the other, but there the Design and the Censure is the same, which is not so in the Civil and Ecclesiastick Authority: For both may, and oft times both ought to apply their Censures: So that the Anticipation cannot shun the clashing and contrariety of the two Authorities: As for instance, if Adultery be delated both to the Civil Magistrate, and to the Church: The Civil Magistrate upon Tryal may Absolve, and the Church may again Try and find the Person Guilty: And contrary wayes, the Civil Magistrate may Condemn upon his Tryal, and the Church may Absolve upon their Tryal.

Can this Clashing and Contradiction consist with the Infinite Wisdom of God, the Author of both these Authorities. No certainly, and

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therefore one of the two muſt neceſſarily have the Antecedent Judgement, ſo that the one can not proceed, until the other preceed.

It is not to be ſuppoſed, That the Church will claime that the Civil Magiſtrate ſhould not proceed in punishing Crimes or Miſdemeanours, till they firſt, inquire, adduce Witneſſes to prove the ſame, and thereupon either find the Parties Guilty or Free: Yea the Civil Magiſtrate will not ſuſtain any Probation led before the Church, albeit it were firſt there adduced.

Therefore the Antecedent Judgment in all Crimes and Miſdemeanours, muſt neceſſarily belong to the Civil Magiſtrate, whereby there can be no Clashing nor Contradiction between theſe Authorities.

By this means, the Church will not only be freed from the Drudgery of the ſcraping up of Crimes and Miſdemeanours in the way of Proceſs, which muſt needs have all the Formalities neceſſary for other Proceſſes, and even the Pleadings that occur therein, which as hath been already very well ſhewn in the *Apology*, is moſt unlike the Courts of Chriſt. But likewayes will be free of that Fear and Hatred of the People ariſing from the Eccleſiaſtical Diſcipline, breeding only Terrour, and neither Love nor Reverence. Whereas the chief Deſign of the Miniſtry, is to gain men to be Reconciled and Devoted to God, and to Save their own Souls, which God Almighty Himſelf hath ſet forth, as Beſeeching and Intreating, not only by his Meſſengers, but by himſelf.

The Clergy hath too much inclined to keep a Terrour over their Flocks, that if any of them diſpleaſe them, they will Diſgrace them, by entertaining Reports, and making them arile to Scandal, and then calling in Multitudes of People to be examined upon Oath, what they know of ſuch Matters: But it is ſeldom that they prevail with Mens Conſciences, but when they have confidence of their good Will, whereby their Breaſts are open; and even the moſt vitious will patiently hear the expoſtulation of a Friend, though not obliged ſo to do, much more of a kindly and affectionate Miniſter, of whoſe kindneſs they have Confidence, and will benignly interpret all they ſay: Whereas while they have diffidence or averſion, their Hearts will be cloſed; and they will ſtill be thinking what they may miſconſtrue or evade: Experience ſhews this to Demonſtration, in the different

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Conſtitutions of Church Governments; for thoſe who are perſwaded on either ſide, will ſcarce attain any Benefit by the Ableſt Miniſter of the other way.

The Diſcipline of the Church is chiefly in the Cenſuring of the Office bearers in the Church, or of the other People; and as to theſe, it is exerced againſt the Wicked, or Obſtinate, by Excommunication, which is never to be uſed but in Notorious Crimes, needing no Probation, or againſt the Scandalous, while their Miſcarriages are not Notoure, but upon probable grounds ſuſpected, whereby they are excluded from Acceſs to the Euchariſt, until the Scandal be removed, by their Vindication, or by their Poſterior Chriſtian Carriage.

As to the Cenſure of Miniſters, the rule of the Goſpel is, *That no Accuſation be received againſt an Elder, but in the Mouth of two or three Witneſſes*, which Warrants Probation by Witneſſes, as to their Deprivation: But there is neither mention in Scripture, nor in the pureſt times of the Church, of adducing Witneſſes againſt other Perſons: But the rule as to that matter is, *That thoſe who ſin publickly, ſhall be publickly rebuked*, which can go no farther, than when the miſcarriage is Notour, or voluntarily acknowledged by the party *ad levandam Conſcientiam*, or made known by the Condemnatory Sentence of the Civil Powers; whence the publick Reproof of the Church, or their other Cenſures, do naturally follow, without any ground of Diſpleaſure againſt the Miniſters exerciſing the ſame.

If Scandal ariſe, It is ſufficient ground to debar from the Euchariſt, till the Scandal be removed: And it is the Duty of Office-bearers in the Church, to give Notice to the Civil Magiſtrates of what Scandals occur, that they may put the ſame to Tryal, wherein if they be negligent, or unjuſt, the fault lyes at their door, and the continuance of the Scandal is by their fault, and not by the fault of the Miniſtry. There is a Statute in the ſecond Seſſion of this Current Parliament, reviving a former Statute, appointing Judges in every Parish, to Try and Punish theſe Miſcarriages, that were accuſtomed to be Tryed by Probation before the Church: And, where there is no Judge ordinar reſiding in the Parish, allowing the Kirk Seſſion to preſent Perſons to the Judge ordinar of the Shire, who is obliged to give Commiſſions for that effect: So that the Delations of Scandal,

needs give neither difficulty nor diſtruſt to the Church, that Vice will go unpunished, or Sin undiſcovered.

In that ſame Seſſion of Parliament, there is another Act, annulling all former Acts and Statutes, whereby Civil Penalties for Punishment did follow the *Cenſures* of the Church: Whereas formerly, Excommunicate *Perſons* were debar'd from Proceſſes, and were denounced as Rebels, whereby their Moveables became Confiſcat, and within a year, their Life-rent, whence the *Civil* Magiſtrate behoved either to act by Implicite Faith, or otherwayes, he might, and ought inquire into the Cenſures of the Church, though it were in matters proper to their Juriſdiction, whereby both Juriſdictions became the more involved, and are now the more diſtinct.

By what hath been ſaid, it may be ſufficiently cleared to every unbyaſſed Perſon of Diſcretion, That there are proper Subjects of both the Civil and Eccleſiaſtick Authority; wherein neither should Authoritatively interpoſe with the other, but only by Friendly Counſel, in the moſt ſecret way, without Weakning, or Reproaching the Actings of the other; eſpecially that the Civil Authority is not to be exerced in the Authorizing, or exauctorating the Office-bearers in the Church, or in the exerciſe of the Keyes, by admiſſion to, or excluſion from, the Society, or *Sacraments* of the *Church*. And that the Eccleſiaſtick Authority should not meddle with the making of Laws for governing the State, or the Application and Execution thereof, but only by tender and ſecret Advice; that may neither reproach the publick Actings, nor breed ſcruple in the Subjects to give Submiſſion.

There have been vehement Objections by either ſide, againſt this neceſſary Caution for the Peace and *Proſperity* of Church, and State: Either party making uſe of miſ-applyed places of Holy Scripture.

Firſt, Thoſe who through ignorance, or prejudice, incite *Sovereigns* to incroach upon the Church, lay hold upon the Actings of the Kings of *Judah*, the beſt of which have frequently given Authoritative Orders to the *Prieſts* and *Levites*; and thence they would infer, that Chriſtian Magiſtrates ought to have no leſs Power, in Exauctorating Miniſters, or giving them Orders in their proper Functions.

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Some to evite theſe Conſequences, have pretended, theſe things to have been done by thoſe Kings, who were alſo *Prophets*, and by their Prophetical Office, thus *David* and *Solomon*; and as to the Actings of the other Kings, that there appears no Warrand or Command for them to have ſo done, and that ſuch examples make no rule. But the more ſolid and general Anſwer is, That *Urim* and *Thummim*, and the extraordinary Gifts of Propheſy, were then in the *Jewiſh* Church, which are not now in the Chriſtian Church, as we ſee *David* in dubious and difficile Caſes, called to the High-Prieſt with the Ephod to know Gods Direction. And ſo the Kings had extraordinary Warrants, which none now pretend to. Others have made uſe of the Actings of Chriſtian Emperours, as of *Conſtantine the Great*, who being the firſt Chriſtian Emperour, was highly carraſſed by the Church, which till his time was never free of Affliction or Perſecution from the Civil Powers: And becauſe *Conſtantine* deſigned himſelf without the Churches contradiction Ἐπισκοπον τῶν ἐξω, They do therefore infer, that every Soveraign Power may give Laws and Ordinances to the Church, in Inſtitution of Offices or Ceremonies, and ordering the Form of Government in the Church at their pleaſure, ſuppoſing every thing to be Extrinſick in the Church, but the Doctrines and Ordinances requiſite for Salvation: which cannot be concluded from that Title, nor from the matter of it, which can only reach to things that have in them no Religious Character. It is true the Civil Powers by their Authority, ought to do all things that may conduce for the Peace and Proſperity of the Commonwealth, by the Rules that God hath given them; and ſo they are obliged to punish *Atheiſm*, *Blaſphemy*, *Irreligion*, and to compel all their Subjects to the publick Adoration of the only True, Eternal God: And to ſuffer no Contempt of the Deity: Yea, they ought alſo by the judgement of Diſcretion to conſider, what Society of Men they will own as a Church, whom they will protect againſt Violence or Contempt in all their Religious Acts; and whom they will gratifie with Churches Benefices; wherein they are not to proceed by implicite Faith, upon the Aſſertions, and Pretences of Societies, claiming to be true Churches, wherein the moſt ſafe way of Salvation is to be found: For ſeing this is claimed, not only by the *Jewiſh*, *Pagan* and *Mahumetan Prieſts*; but alſo by the different Chriſtian

ſtian Churches, their claims being ſo oppoſite, it is impoſſible that their claiming, or their own Aſſertion ſhould oblige *Soveraigns*, or elſe they were obliged to many Contradictions.

No Church hath denied to *Soveraigns*, the Power to Convocate the Aſſemblies of the Church upon extraordinary occaſions: And to be preſent by themſelves, or their Delegates therein; not only to countenance and protect them in Peace and Order, but to advert that under the pretence of Eccleſiaſtick Authority and Duty, Matters Civil be not incroached upon, and in caſe of Incroachment, to require them to forbear, or otherwayes to Diſſolve: Whereunto the Civil Power muſt be governed by their proper Judgment; and though they ſhould judge amiſs, yet the Church ought not to reſiſt, or to excite the Subjects to Diſobey, becauſe all matter of active Force is the Magiſtrates peculiar Province. *Our Saviours* Rule and Example, and that of all his Apoſtles was, *When they were rejected in any City, to ſhake off the Duſt, as a ſilent Witneſs againſt them*, and not by open complaint to excite People by Force to aſſiſt them, which doth not inter an Abſolute Paſſiveneſs in Civil Societies of Chriſtians, when they are Perſecute contrary to Law.

Example hath been alſo taken from the Laws and Edicts of the Chriſtian Emperours, not only as to Religion, ſo far as the Light of Nature can go, but even as to things which can only be known by Revelation: But, it muſt not thence be inferred, that it belongs to the Civil Authority to determine matters of Faith; becauſe Chriſtian Emperours emitted no Edicts, but theſe wherein the Church had firſt determined; albeit they do not relate unto the Determinations of the Church, which yet is unqueſtionably the juſteſt and fiteſt way, to approve and confirm the Canons of the Church, ſo far as Soveraigns are convinced of the Truth and Uſefulneſs thereof.

One the other ſide, the Miniſters of the Goſpel have laid hold upon the Meſſages of the *Prophets* direct to *Kings*, which ſometimes were very ſad, and peremptor: But theſe ſpecial and particular Meſſages were no warrant for the *Prieſts* under the Law, to make particular Applications of general Rules to ſpecial caſes with equal Authority, when ever they can ſay, *Thus ſaith the Lord*, in General, Unleſs they could ſay *Thus ſaith the Lord, to me alone, to bear a Singular Meſſage*, much leſs can the Miniſters of the Goſpel claime the

the like Power, or own the like Duty, when after the compleating of the Divine *Canon*, We are not to expect any farther from Inſpiration. There is neither Rule nor Example in the Goſpel, or in the meek Government of Chriſt to make ſuch Addreſſes to *Kings* or *States*; the moſt Eminent Apoſtles, when moſt atrociouſly injured and perſecuted, though they had Inſpiration and the infallible declaring of the Divine Canon, Yea in their Sufferings, and at their cruel and violent Deaths, did give no ſuch Teſtimony againſt them, much leſs to them, when being free they might and durſt have done it, much leſs can ordinary Miniſters, not being endued with ſo eminent and extraordinary Gifts and Priviledges.

The Government of the Church, the *Power* of the Keyes, the Exerciſe of Diſcipline do all belong to the Office-bearers in the Church, though not equally to all: Theſe terms are not diſtinctly underſtood, but ſometimes promiſcuouſly uſed, yet Diſcipline doth moſt properly ſignify the Correctory Power of the Office bearers in the Church, eſpecially by publick reproof of thoſe who have ſined openly, who are not only under Scandal or Suſpicion of ſin, but whoſe ſins are known, being either notour commonly, or acknowledged publickly, or proven: Diſcipline doth alſo comprehend Excommunication and Excluſion from the Sacrament, againſt thoſe who have been admitted thereto, upon ſin known, or probability and ſuſpicion thereof, conſiſtent with the Judgement of *Charity*, whereby ſuch perſons are under Scandal. But the not admitting to the Euchariſt theſe who were never admitted thereto, is no *Correction*: For every Diſciple or Member of the viſible Church entered by Baptiſm, hath not right to the Euchariſt, even though of Age and Diſcretion; wherein the chief difference between the *Conſtitution* of the *Church* according to the *Presbyterian* and *Independent* Principle lyeth.

The Power of the Keyes given by Chriſt to his Apoſtles, and expreſt to be the Keyes of the Kingdom of *Heaven*, have given occaſion of much debate among the ſeveral Societies of Chriſtians, if by *the Kingdom of Heaven* be meaned, the admiſſion to, or excluſion from the peculiar and proper Kingdom of Chriſt by Grace and Glory, it could only be attribute to the Apoſtles extraordinarly Gifted: But by *the Kingdom of Heaven* is rather to be underſtood the external

Priviledges of the visible Church, and so the Keyes thereof are competent to all the Ministers thereof in their several Assemblies: Whereby they admit or acknowledge persons to be Members of the visible Church, or Disciples of Christ, professing their Submission to be Taught and Governed by his Ministers; And thus it is an exercise of Discipline, only by Excommunication of these that were in the visible Church: But the Admission to the Church of these who had never been in it, or being cast out were re-admitted, are no Correctory Acts. Church Government is much more Comprehensive extending to all the Ministerial Office, except only the Preaching of the Word by Explication and Application of the Holy Scripture.

Ministers ought so to Explain and Apply the word of God, as to manifest the whole Council of God, which doth not extend equally to every thing God hath declared or revealed, but principally to that Council God giveth to men, how they may be Holy and Happy, wherein every Minister should be frequent in urging the necessary means of Salvation to all Capacities, Catechising the Simple, and Weak, or Ignorant, in the plainest and fitest Way to their Capacity, forbearing as much as can be to them terms of Art and Subtilty, which may be useful to those of a larger Capacity, yet other Truths may Warrantably be insisted upon by Ministers in Preaching, especially in the Explication of the meaning of Scripture, and framing that Analogy of Faith, which is most convenient, both for the Judgment and Memory of the Judicious, and is the great help to understand the true meaning of the Scripture.

The Ministerial Duty in the Exercise of Discipline, is not so binding on the Ministers, as in the Doctrines requisite for Salvation: For none of these may be contradicted or concealed, but some parts of Discipline are only to be used when they may be useful for the person on whom they are exercised. Excommunication is not to be used in all Cases to which it might be extended, neither is publick rebuke to be applied for every thing that the Ministers believe to be sinful: For the warrant of these publick rebukes, is against these that sin openly, which must be evident both as to Right and Fact, that the Person to be rebuked hath evidently done such things: As also that it is evident to him that they are sins, which being wilfully adhered to, are inconsistent with Holiness.

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The moral Duties of Gods Law are commonly so Evident, that no pretence of Doubtfulness in the Contraveeners can excuse; but there be many other things, not only in relation to Opinion, but to Practice, that Holy Men may, and do differ in. For which therefore there ought to be no publick reproof, where the Persons to be reproved are not convinced, otherwayes it were Hypocrisy or Mockery to make them acknowledge the offence in these things, where they are not Convinced. How much mistake or abuse hath been in this matter, no Serious and Judicious person can doubt. What reproach hath fallen upon this Church, by making the greatest part of the Nation receive publick reproofe, and make publick Aeknowledgement of the sinfulness of that expedtion in the year 1648 of the Army sent to *England* for the Relief and Delivery of K. *Charles.* 1. Yea many eminent *Persons* were necessitate to submit themselves to these Censures in an extraordinary way, whereby many that before were Friends, became unfreinds to the Presbyterian Government, though without just reason; for these Censures were not at all consequent from, or Congruous to that Government.

There are yet two eminent points in Presbyterian Government to be cleared, to Wit, Subordination, and Delegation. Subordination oblidges every member of the Assemblies of the Church to submit to the determinations of that Assembly, and the minor part of the same Assembly to submit to the Major, which hath the same Authority as the consent of the whole, if so be the Major part do adhere and insist in that suffrage, for if the odds be but of a few, it is not like they will urge it for a Conclusion, if the determination may be safely foreborn; it doth also extend to the Duty of Submission of the *People* to the Determination of these Assemblies, yet so, that these who reclaim, may appeal to a *Superior* Assembly, as from a *Presbyterie* to the Synod, whereof that Presbyterie is a part, and in some cases there lyes an appeal from the Synod to the General Assembly or National Synod.

And as there lyes an appeal from the lesser Assemblies to the greater, so this Subordination gives a *Power* to the greater, in some cases, to review the Acts and determinations of the *Lesser.*

This Subordination doth not require approbation of the minor part to the actings of the Major part, but Submission, Silence, and Non-

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repugnance, without which there could be no Union in a Church, ſo that to deny Submiſſion, is to Authorize Confuſion and Anarchy, and to urge approbation, except in the Doctrines univerſaly received or in the national Confeſſion of the Church, is to ſet up Tyranny in the Church, and to give the occaſion for Diſſimulation and lying.

This Subordination is not only founded upon the order or Ordinance of the Church, but alſo upon the nature of the Eccleſiaſtick Society of a national Church, and chiefly from that Divine Rule, *That the Spirits of the Prophets are ſubject to the Prophets: For God is the God of Order, not of Confuſion*; as hath been above declared: And therefore the leſſer number muſt yeild to the greater in the ſame Aſſembly, which muſt ever hold, except in the Caſe of a lawful and neceſſary Separation, upon points neceſſar and fundamental: For thereby the Eccleſiaſtick Society, is in ſo far diſſolved.

Hence it is ſufficiently evident, how inconſiſtent that unhappy Diviſion was that fell in this Church, between the *Proteſtators* and *Reſolutioners*, ariſing from a Civil determination, ordaining all perſons indifferently to take Arms againſt *Cromwels* Army, which then had Invaded the Kingdom; a Subject improper for Church determination, and much more improper for theſe Fiery Debates that were thereby occaſioned, refuſing Subordination, Inferiour Aſſemblies declaring againſt the Acts of the Superiour.

All Government by its Nature doth require, that if an Appeal be not interpoſed within a certain ſhort definitive time, that it is not competent thereafter, but theſe who might have appealed are underſtood to have acquieſced; to which ten dayes are required in moſt places where Appeals are allowed, unleſs ſome extraordinary Accident interveen: There ought alſo ſpecial Reaſons of the Appeal to be given into the Aſſembly Appealed from. And the Appeal is underſtood as relinquished, if it be not preſented to the Aſſembly Appealed to, which in Judicatures that have conſtant Seſſions, is in uſe to be done in thirty dayes. But in our Church Aſſemblies that have but ſhort Dyets, the Appeal ought to be preſented ſo ſoon as they ſit.

It hath not yet been determined, whether Appeals be competent from leſſer Aſſemblies to greater, till the matter be brought before the General Aſſembly, in all Caſes, or in ſome only, Certainly if

it were in all cases, a General Assembly behooved constanly to sit; for Dissenters in every particular might, and frequently would, bring their Appeals that length.

For clearing this point, it is necessary to consider the several matters wherein Church determinations occur: As first, If a Minister debar one of his Flock from the Eucharist, which is his proper Authority severally, because he must examine his Flock, and consider their Capacity and Fitness for that great Discriminating Ordinance, which is the Solemn Feasting at the Lords Table, fit for none whom he doth discountenance, wherein the Communicants must have sufficiency of knowledge, and such a Christian Carriage, as may be a warrantable ground for the Judgment of Charity, that they are Holy, and under no Scandal, which the strict Examination required of Communicants, and the great hazard they run, if they Communicat unworthily, do import: For they themselves only, are capable of the Judgment of verity of their Condition, but the Minister is capable of the Judgement of Charity thereof: Wherein if he do not use competent Diligence to know their State, he is culpable; and as he ought to exhort them to partake, if they be fitted for it; so he may not suffer them to partake, if he Judge them unfit; wherein if they conceive themselves unjustly excluded, they may make Application to the Eldership or Presbytery: But there is no ground to think that they should go the length of a Synod, or General Assembly.

If a Controverly arise concerning the Admission, or Translation of a Minister from a particular Flock: There is no reason it should go farther than a Presbytery, or at most to a Synod. If a person be injoyned to receive publick Reproof, where he is not convinced, that the matter (though true) doth require it, It is unreasonable to expect, it should run the length of a General Assembly, which is most proper for determining of Appeales in, or reviewing matters Doctrinal, or the Case of Excommunication, whereby persons are Excommunicate from the whole Church, or in the exauctorating of Ministers.

The Assembly Appealed from, ought to admit the Appeal in Cases dubious, but in other Cases they may refuse the same, and proceed: Yet the Party Appealing may present the Appeal to the

Assembly Appeald to, which ought to Censure the Assembly Appealed from, not only if the Appellant be clearly Innocent, but if the matter was dubious, albeit they do not recal what was done, as they may, when the Appeal is approven. Appeales from Delegates cannot be cleared, until it be considered whether Delegates can determine, or can only report.

It is inconsistent with the Principles of Parity, and of Presbyterian Government, that any farther Power should be given to Delegates, but to Hear, Try, and Report, but not to determine, except in so far as to hinder Innovation during the Delegation, without which they could not prepare a Report: Yea, it is not fit they should give an Opinion in the Case Delegate, least thereby they be prejudicate, when they come to determine in the Assembly Delegant.

That Delegation, or Commission to Determine, is inconsistent with the Principles of *P*resbyterian Government, is evident enough, when it is considered, That if the Assemblies of the Church can give *P*ower to Delegates to determine in one point, they may in more, and consequently in all; and thereby may Introduce a Prelacy.

The strongest ground of Parity, is, That the lesser number cannot have Authority to over-rule the greater number, which cannot hold, if Delegates can determine. For instance, if a Presbytery or Synod, can Delegate their Power to a part of their number: These few can over-rule the whole Members severally; and so the lesser number over-rules the greater: This is more manifest, if a National Synod Delegate, Appeals from a *P*rovincial Synod, these Delegates, though far fewer than the Provincial Synod, will over-rule them, not only severally, but joyntly; yea, they may over-rule the whole Church severally, if they have a general Commission, or though their Commission be special, they over-rule all in the Points committed.

The chief *Basis* of Parity in the Presbyterian Government, is, that all Ecclesiastical *P*ower hath in it, and with it, an absolute Duty of Exercing that *P*ower; whereof they cannot exoner themselves, by leaving or giving that Power to others: And so all the Functions of the Ministry are indivisible, and incommunicable; and in this they differ from Civil Powers, which are Communicable, and which may be renounced: But Ecclesiastical Power is for the Life of the per-

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ſon Impowered, and cannot be given for a time: And all Eccleſiaſticks are Delegates of Chriſt, whoſe Meſſengers and Ambaſſadors they are, and in all Delegations, there is a ſpecial Confidence placed in the Delegates, which they cannot Commmunicate, unleſs they had ſpecial Warrant ſo to do: For then it were a part of their Truſt to Delegate; otherwayes the Delegants having reſted on the ſpecial Truſt of the Delegates, to do the thing committed; no other but they can pretend that ſpecial Truſt: It is true, in matters common, for which every Body is ſufficient, Delegates may Delegate to others, but in no other Caſe, where ſpecial qualifications are required.

It is conſiſtent enough with this poſition, that Delegats may put in Execution the determinations of the Delegants: As when any Church Aſſembly doth appoint an Eccleſiaſtick Cenſure by publick reproof or Excommunication, Power may be given to one, to give a reproof, or to Excommunicate.

Yea Delegats may propoſe and Deliberat upon any thing to be determined, and may give their Judgment in it, and tranſmit the ſame with their reaſons to the Delegants, wherein if they acquieſce, it imports their Approbation, as effectualy, as if they did return a ſpecial warrant to determine, which muſt be done in theſe Aſſemblies where the whole Delegants can not conveniently conveen, as in National Synods, which ought to have frequent Diets, at leaſt Annual. that if their Judgment agree not with the Judgement of the Generality of theſe who Authorized them, the ſame may be altered by the next Aſſembly: and certainly it is the moſt ſafe and prudent way, that National Synods of Delegats, before a final reſolution, tranſmit their Judgment unto their Delegants, with their reaſons, before a final determination, allowing their Delegants to return their judgment with their reaſons: as hath been done in conſiderable alterations in this Church; for inſtance, the Generall Aſſemblie did tranſmit the new *Paraphraſe* of the Pſalms to be Sung in Churches, to all the Presbyteries, before they did determine the Approbation thereof, and rejection of the former verſion.

Presbyteries have no occaſion to give Commiſſions for any more than an executive Power, their Diets being ſo very frequent.

Synods have not been accuſtomed ſo to Delegat, having fixed Diets twice a-year, and it were very inconſiſtent with the Government if they ſhould.

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General Aſſemblies have not been accuſtomed to give any other Delegations but executive, except in the time of War, and trouble, as in extraordinary caſes, which are not to be drawn in Example; for they being Delegats themſelves, ought leaſt of any Church Aſſembly to Delegat; for if they can commit their Power to forty, certainly they may commit the ſame to fourteen: And if the Aſſembly ſhould own that Power as the Supreme Eccleſiaſtick Authority National, to adjourn themſelves at their pleaſure, without leaving the Annual Elections to their Conſtituents; and ſhould appoint Delegates in the mean time, certainly the Presbyterian Conſtitution, and the Parity of Miniſters would be overturn'd: But while they come with the freſh Sentiments of their Conſtituents, and under their Annual returns, they are conſonant to Presbyterian Principles, and neceſſary for a National Church.

It may be thought that the Actings of the Delegates of General Aſſemblies, can have no Inconvenience, ſeing they are accountable to the next General Aſſembly, who may alter their Determinations, and Cenſure themſelves; yet this is far from giving ſatisfaction: For the Delegates of Aſſemblies are alwayes the moſt eminent Miniſters of the Church, whoſe influence will ſtill be able to maintain their own Actings, and preſerve themſelves from Cenſure.

Theſe Principles of Parity being ſincerely followed, what can be more Regular, Innocent, and Uſeful, than Presbyterian Government in the Church? what can be more abſtract from encroachment on Civil Powers, or upon the temporal Intereſts of Men? And why is there ariſen of late ſo much averſion from this Government.

There appears now a great alteration in the Inclination of this Nation, as to the Church Government: For not long agoe, there were few on this ſide the River of *Tay* for Epiſcopacy, but were generally ſo firm for Presbytery, that ſcarce could the ſevereſt Perſecution make them diſſemble it: And on the *Northern* ſide of *Tay*, many were zealous for *Presbytery*, and the reſt were only indifferent as to Church Government, wherein there was little Alteration when K. *William* came into *Brittain*. But now the Presbyterians are thought to have loſt many of their Friends ſince Epiſcopacy was Abolished: And yet upon accurate conſideration, it will not be found that there is much alteration in judgement in this matter: For what new Arguments

guments are there now found againſt the nature and native conſequences of Presbyterian Government? But all the noiſe is from what is expected from the exerciſe thereof: For even thoſe who are for the conſtitution in Parity do offend at its Abuſes, and ſo are imagined to be changed in their Judgment, when indeed they are not, But would be much more diſpleaſed if Epiſcopacy were again ſet up: Neither is there reaſon to apprehend that the Presbyterians in the preſent Circumſtances will re act what was done in former Caſes, ſeing that the Conſtitution and Diſpoſition of both Church and State do aſſure againſt it. Formerly the Nation was in War oppoſing Innovations in the Church, not only without Law, but contrary to Law: And theſe who were in Power, did chiefly preſerve the Unity of the People, by the influence of the Preachers; and ſo were neceſſitate to ſuffer them to Exerciſe much more Power than was proper for them; eſpecially, there being ſo ſtrong a contrary Party countenanced by the King, whereby there aroſe ſo great diſtruſt in the Miniſtry, and ſo much fear of the overturning of the Government of the Church, that they declaimed as zealouſly againſt any thing that might hazard the Government, as if it had been in it ſelf unlawful. Is there any ſuch occaſion now? when we are governed by ſo Religious *Princes*, and who are ſincerely for the preſerving of the Laws of both Nations, though contrary, only becauſe theſe oppoſite Laws are ſuted to the oppoſite Inclinations of both; and of whom Neither Nation hath any juſt ground of Jealouſie: There is no doubt but the Civil Authority will both allow and preſerve the Church in their Rights, and will not ſuffer them to exceed their Bounds.

The apparent Alteration towards Epiſcopacy is exceedingly heightned by thoſe Miniſters who ſerved under Epiſcopacy; a great part of them being Summarly removed, and the reſt apprehending to be alſo removed, make a great noiſe; and their *People* were much more concerned out of a Generous Kindneſs to them, than out of any *Perſwaſion* of the Epiſcopal Government to be the only, or the better Government of the Church, as it doth in part appear; and would appear much more if their Miniſters be continued with them: For though theſe Miniſters ſhould declare more for Presbytery then ever they did for Epiſcopacy, yet their *People* would make no farther noiſe: But the Truth is, the Change was

Sudden, and the Surprise great; so that neither the one nor other *Party* could so readily dispose themselves to Unite and Cement after such wide and hot Differences: Yet if the Episcopal Ministers shall come Honestly and Kindly over, and be fairly Received into Presbyteries, Synods, and General Assemblies, there will be few found who will quit their Station, for Episcopacy, or for the late King, seing many of them were forward enough against the bringing in of *Popery*; and being free of excluding King *James*, They will not think themselves obliged to imbroyle the Nation in War to Restore him; but while they had little hope to continue, they thought it more their Interest to stick at the Civil Government than the Ecclesiastick, and to go out upon pretence of Loyalty, rather than be repute insufficient for the Ministry of the Gospel, whereby they owned and animated a *Party*, which if it did prevail, they might expect to be great Favourites.

If there be no fear of clashing of the Government of the Church against the *State*, or of any publick reproof, but in evident and atrocious Sins, notour or proven, by the Ordinary Civil Judicature, there would be no ground of aversion in *Princes* or *People*.

But if there were any design or ground of distrust of altering the Church Government, and Re-establishing Episcopacy, it would be most Pernicious to the Peace and quiet of this Nation. *Experience* hath sufficiently taught us what Miseries have befalen this People, by the endeavours to introduce an Established Episcopacy here, yea what sad Consequences have arisen from the attempts to make a Conformity in Government, and Ceremonies between the Churches of both Kingdoms.

King *James* VI. was not only Favourable to, but fond of the Presbyterian Government of this Church in which he was educated: Untill the view of his *Succession* to the Crown of *England* came near, and then he used all Endeavours to introduce a Prelacy in this Church, but with great Reluctancy and Dissatisfaction, but it was not without ground thought that His Majesty apprehended there was a Jealousie in the Church of *England*, that when he came to the Crown, he might make Alterations in that Church, so that by bringing in Episcopacy here, he not only avoided their Suspicion, but engaged their favour for his Peaceable Succession.

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It is notour how much Doctor *Laud* a Bishop of Canterbury did purſue the Deſign of Conformity and obtained a Liturgie, Canons, and an Eccleſiaſtick High Commiſſion to be impoſed on this Kingdom without Conſent of Parliament, or General Aſſembly, and what troubles thereupon followed, have been ſince buried in Oblivion and are not fit to be Repeated. In the time of theſe troubles, as much Zeal did appear in this Church, for bringing the Church of *England* to Uniformity with us, as they had for bringing us to a Conformity with them.

Yet after the Doleful Conſequences of both theſe attempts, a Prelacy was ſet up here with an Elevation of power, above what had ever been in any Chriſtian Church in the World, and that without Conſent of any Eccleſiaſtical Aſſembly: for by the Act of Parliament it was declared that every Bishop in his own Dioceſs calling to his Aſſiſtance ſuch Miniſters as he pleaſed, had Power of Ordination, Inflicting of Church Cenſure, and doing all other Acts of Church Diſcipline as freely as any Eccleſiaſtick Authority in *Scotland* ever had: And at that time there was no National Synod or Aſſembly owned, and when thereafter a National Synod was enacted, it was to conſiſt of the *Bishops* and Deans, and of the Moderators of each Meeting, and one Miniſter to be choſen by them, the Arch-Biſhop of St. *Andrews* as well as the *Kings Commiſſioner* having a Negative; ſo that the Biſhops and theſe choſen by them, had the Abſolute Power in this Synod, and the ſole Power ſeverally in their Dioceſſes, without any Canon Eccleſiaſtick ordering the manner of Diſcipline. But this National Synod took never effect, the Biſhops being diffident to conveen the ſame, though they had ſo great Advantages.

King *William* in his Heroick and Happy Expedition into *Britain*, did Solemnly declare againſt this grievous Incroachment upon the Church of *Scotland*; and according to His Majeſties known Faithfulneſs and Firmneſs, hath been as good as His Word, in reſtoring the *Presbyterian* Government of this Church in all its Aſſemblies and *Powers*, as it was formerly Setled by the firſt Act of the *Parliament* holden in the year 1592. And hath *Confirmed* the Confeſſion of Faith univerſally Received and Acquieſced in by this Church.

How unhappy then ſhould it be for any to Deſign the renewing of any attempt for this Conformity or Uniformity of the two Churches,

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or to ſet up Prelacy here again, after ſo great Calamities as have been occaſioned thereby.

Can there be a greater Demonſtration of the General Inclination of this Nation againſt *Prelacy*? Than that though the Bishops were introduced in the year 1662. and did continue till the year 1689. During which time, the far greateſt part of all the Miniſtry in *Scotland* was brought in by themſelves, and though they had obtained a National Synod fully formed for their own Intereſt, yet they durſt never adventure to call it together, ſo diffident were they even of theſe Miniſters.

This National Averſion is yet farther Demonſtrated from this, that albeit *Prelacy* had all the Statutes that the Bishops could deſire on their behalf, and had them put to Execution with the outmoſt Severity: Yet there was ever found a Neceſſity to keep up a ſtanding Army to uphold them, and to ſuppreſs the Averſion of the People, and notwithſtanding thereof, there were frequent Inſurrections and Rebellions.

There was a terrible Deſtruction in the Field, and on the Scaffold, and at laſt, the Souldiery were Authorized, ſummarly without Proceſs or Record, to Kill whomever they met with, who gave them not Satisfaction to ſuch Queſtions as they ſaid they did propoſe to them. Shall the *King* then be at the Expence of a Conſtant Army in the moſt profound Peace, to maintain a Prelacy here? Albeit there were and are many Diſſenters in *England*, there was no ſtanding Army there, till a few years in the end of the laſt Reign: Yet *Scotland* behooved to be under a ſtanding Army, though it be moſt unfit for this Nation, abounding much more in Men to ſerve other Countries, than in Riches to maintain Souldiers at Home.

Let none deceive themſelves or others, by imagining that Epiſcopacy with ſuch a Toleration as in *England* would ſuffice; for there was frequent Indulgences to the *Presbyterians* in *Scotland*, by Miniſters deſigned by the King, and allowed to have Churches and Benefices in the places where the People were moſt affected to Presbyterie; and thereafter in the year 1679. King *Charles* gave a General Tolleration for all People who would have *Presbyterian* Miniſters at their own Charges to have them: Did this ſecure the *Peace*, or eaſe the King and Kingdom of a ſtanding Army?

No

No prudent Prince or State will at ſuch a charg thwart the Incliclinat.on of a Nation, in that which they do Acknowledge not to be ne ceſſary; if any pleaſe to Read Doctor *Hylens* Hiſtory, he will tell them that the *Province* of *Biſcay* in *Spain* would never admit of a Bishop, which was yeilded to them by the King of *Spain*, though the moſt Devoted to the Sea of *Rome*: How much more Reaſon is there not to Deſign or atempt Epiſcopacy here? Suppoſe the one half of the Nation only were addicted to *Presbytrie*, and the other half would prefer Prelacy; Is there any ingenuous and Judicious perſon will ſay, that theſe have the like Affection to Prelacy, as the other have to Presbytrie? Or that they would not Peaceably accept of Presbytrie, Acting moderatly according to the *Principles* of Parity.

It remains to be cleared what is the manner of Calling and Electing of Miniſters and Elders upon Presbyterian *Principles*.

The Call of the Miniſters in this Church was by Preſentations from Patrons in Kirks Patronate, deſigning ſuch Perſons to be Miniſters, and direct to the Presbytery to Try and Receive them: Which Preſentations were direct to Bishops when they were in the Church, and if they did refuſe to Ordain, Charges of Horning were direct againſt them; whereby they were obliged to Suſpend, either upon Obedience by granting collation and Inſtitution, or otherwayes to show reaſons of their refuſal, whereof theſe in Civil Authority were Judges, whither the Reaſons of Refuſal were ſufficient or not, and accordingly they did either Suſpend the Charges or found them orderly proceeded as they found Juſt and Reaſonable.

But now by an Act of *Parliament* in the ſecond Seſſion of this Current Parliament, the Power of Preſentation is taken from *Patrons*, and the way of Calling of Miniſters is by the Heretors and Elders, which is not yet a pure Eccleſiaſtick Order; for Heretors as ſuch, have no Eccleſiaſtick Authority, but it is provided, that if the Heretors and Elders differ in the Perſon called, that the Presbtery shall Judge; and that if perſons be not ſo offered within ſix Months, that the *Presbytery* shall proceed to Elect and Ordain without *Preſentation*: This Act of Parliament doth not Conſtitute the Heretors and Elders to be one joynt Authority, but on the contrary, the Presbytery judging if the Heretors and Elders diſagree, imports that the Heretors and the Elders muſt proceed in diſtinct

Meetings: And seeing the Presbytery is to judge in case of Defference, they may not proceed by Arbitrement, but must hear the Reasons of both Parties, and judge the same: And therefore if there be no just Objection against the person offered by either meeting, the Presbytrie should take advice of the Parish by calling the Masters of Families free or Scandal, for there is no Reason to give equal Vote to Wives, Children of the Familie, and Servants with the Masters of Families who have an unquestionable Authority over their Families both in matters Sacred and Civil, and yet the Presbytrie ought to hear the Objections even of the minor part, which was alwayes allowed when the Edict of the person to be elected was affixed upon the Church door that any might Object before Election.

As to the Election of Elders, there is much more unclearness, because there is nothing to show how the first Elderships were Constitute after the Reformation; But thereafter the Elderships did alwayes choose Elders in the place of these Dead or Removed, yea they might add, though neither of these cases occurred, because there is no definite number of Elders for a Congregation. The Burrowes have retained a peculiar Custom for changing their Elders yearly which can only import that the exercise ot that charge of the Office for the time shall ly upon these that are so elected, for there is no Reason why an Elder is not for life as well as a Minister.

The difficulty remains where there is no Eldership, who should Elect them, wherein there is no fixed Custom, nor unquestionable President in this Church: For even when new Congregations were Erected by division of greater Congregations, the Elders in the bounds of the new Congregation continued to be Elders in the same and elected more if they had need.

Where there is no Eldership, the Presbyterian Constitution will not allow that the Minister or any one person should Elect, but only a Church Assembly, so that it must be the Presbytrie can Elect the Elders, yet there is no doubt, but the Congregation hath als much interest in the call of Elders as in the call of Ministers, and therefore the Masters of Families free of Scandal, or the plurality of them that upon Intimation do conveen should call persons to be offered to the Presbytrie to Elect, who should not reject these persons unless they show Just Reasons of their Insufficiency, and if they reject any upon these Reasons they should allow new Election in the place of these rejected if the rest were not a sufficient number.

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